

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CHARLES M. THOMAS,

Plaintiff,

-v-

3:24-CV-1235

JUDGE BRETT S. NOONAN,

Defendant.

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APPEARANCES:

OF COUNSEL:

CHARLES M. THOMAS  
Plaintiff, Pro Se  
650 Old Front St.  
Room 233  
Binghamton, NY 13905

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On October 8, 2024, plaintiff Charles M. Thomas (“plaintiff”) commenced this six count action against Judge Brett S. Noonan (“defendant”) for (1) depriving him of his right to have a court attorney,<sup>1</sup> (2) gross negligence for not reviewing evidence in plaintiff’s defense before issuing a judgment against him, (3) violating plaintiff’s right to adequate representation, (4) abuse of discretion by denying plaintiff’s request for a continuance of the trial, (5) imposition of an unjust and excessive sentence, and (6) accepting *ex parte* testimonial communication. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”), Dkt. No. 2.

On December 18, 2024, after conducting an initial review of plaintiff’s complaint, U.S. Magistrate Judge Thérèse Wiley Dancks granted plaintiff’s IFP Application. Dkt. No. 4. Judge Dancks further advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed in its entirety. Dkt. No. 2.

Plaintiff has not lodged objections and the time period in which to do so has expired. *See* Dkt. No. 4. Upon review for clear error, Judge Dancks’s R&R will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

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<sup>1</sup> Plaintiff was a defendant before the Broome County Family Court in a child custody and criminal matter. Dkt. No. 4 at 2–3.

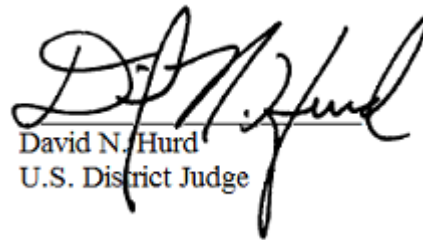
Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 4) is ACCEPTED;
2. Plaintiff's complaint is DISMISSED without leave to amend.

The Clerk of the Court is directed to terminate the pending motions, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.



David N. Hurd  
U.S. District Judge

Dated: January 23, 2025  
Utica, New York.